

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Mary Andrews,

Plaintiff

v.

Omni Credit Services of Florida, Inc.,

Defendant

FILED ELECTRONICALLY

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, Mary Andrews, is a natural person residing at 25 Center St., Pittston, PA 18640.

5. Defendant, Omni Credit Services of Florida, Inc., (“The Collector”) is a corporation engaged in the business of collecting debts in this state with a place of business located at 4710 Eisenhower Blvd., Ste. B3 Tampa, FL 33634.

6. The Collector is a “debt collector” as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

7. On or before December 1, 2008, the Collector began attempting to collect an alleged account (“the Account”) from Plaintiff.

8. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. §1692a(5).

9. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

10. Between December 1, 2008, and February 13, 2009, the Collector caused at least eight (8) telephone calls (“*the Calls*”) to be placed to phone number (570) 655-1449.

11. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

12. During each of *the Calls*, an employee of the Collector left a message ("*the Messages*") for Plaintiff.

13. 15 U.S.C. § 1692e(11) requires a debt collector to disclose that the communication is from a debt collector in each communication with a consumer.

14. In all eight (8) of *the Messages*, the caller failed to disclose that the call was from a debt collector.

15. In all eight (8) of *the Messages*, the caller failed to provide the disclosure required by 15 U.S.C. § 1692e(11).

16. 15 U.S.C. § 1692d(6) requires a debt collector to provide a meaningful disclosure of identity in each communication with a consumer.

17. In seven (7) of *the Messages*, the caller failed to state the name of the Collector.

18. In those seven (7) of *the Messages*, the caller failed to provide the meaningful disclosure of identity required by 15 U.S.C. § 1692d(6).

19. In the remaining one (1) of *the Messages*, the caller stated the name of the Collector.

20. 15 U.S.C. § 1692e(10) prohibits a debt collector from using any false representation or deceptive means to collect a debt or obtain location information about a consumer.

21. In four (4) of *the Messages*, the caller stated that Plaintiff needed to return the call “right away” or “that day”.

22. The statements referenced in paragraph 21 created a false sense of urgency that Plaintiff was required to take immediate action to avoid dire consequences.

23. The statements referenced in paragraph 21 were false and deceptive, in that they create the false urgency, in an attempt to garner a return call or payment from Plaintiff.

24. The statements referenced in paragraph 21 violated 15 U.S.C. § 1692e(10).

25. The *Calls* and *Messages* were attempts to collect the Account.

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney’s fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

26. Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington
Kenneth W. Pennington
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**Verification of Complaint and Certification
by Plaintiff Mary Andrews**

Plaintiff, Mary Andrews, being duly sworn according to law, deposes as follows:

1. I am a plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

6. If applicable, each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.

7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified, or fabricated these exhibits, except that some of the attached exhibits may contain exhibit labels and some of my own handwritten notations.


Mary Andrews
Plaintiff

Subscribed and sworn to before me this
21st day of August, 2009.



COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Kimberly M. Bryden - Notary Public
City of Scranton, Lackawanna County
MY COMMISSION EXPIRES NOV. 08, 2010